IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4579 OF 2005

Narayan Tukaram Bhoir ..Petitioner.

Vs.

The State of Maharashtra & Ors. ..Respondents.

...

Mr.S.G.Surana for the Petitioner.

Mr.V.S.Gokhale, AGP for the State.

...

**CORAM : A.P.SHAH &**

**DR.D.Y.CHANDRACHUD, JJ.**

4th August, 2005.

P.C. :

The challenge is to an order passed by the Special Land Acquisition Officer ('SLAO') rejecting an application under Section 28-A of the Land Acquisition Act. The SLAO has rejected the application on the ground that the award of the Court on the basis of which Section 28-A application has been made is not in respect of the same notification and same village. The view taken by the SLAO that in order to attract Section 28-A, the award must be in respect of the same village is

obviously incorrect. However, he is right in holding that the provisions of Section 28-A would cover cases arising out the same notification.

2. Section 28-A provides that where an award of compensation in excess to the amount awarded by the Collector has been allowed by the reference Court, the persons interested in all the other land covered by the same notification under Section 4 and are also aggrieved by the award of the Collector, may by written application to the Collector apply for redetermination of the award on the basis of the amount awarded by the Court earlier. The provisions of Section 28-A would apply for redetermination of compensation amount only if the land acquired and the other land in which increase of price has been granted are covered by the same notification. The benefit of the enhancement of the compensation amount in other words is permissible not in all cases but the sphere is limited to the cases in which the land was acquired vide the same notification.

3. The Petition is dismissed.